Docket No.
000877/0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Michael F. O'Rourke** Group Art Unit: **3736**

Application No.: **10/583,515** Examiner: **Not Yet Known**

Filed: **March 21, 2007** Confirmation No.: **1448**

For: **METHOD AND APPARATUS FOR DETERMINATION OF CENTRAL AORTIC PRESSURE**

Date: **June 28, 2007**

REQUEST FOR REFUND
(37 C.F.R. § 1.26)

Mail Stop 16
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

For the following reasons, the undersigned respectfully requests a refund in the amount of $ 360.00 for a multiple dependent claim fee erroneously deducted on May 1, 2007, from the undersigned's Deposit Account No. 19-4709 in connection with the subject application. Evidentiary support for this request is annexed.

This application is the U.S. National Stage filing of International Patent Application PCT/AU2004/001782, filed December 17, 2004. The National Stage filing included both clean and marked-up copies of a Substitute Specification. One of the changes made therein manner was the elimination of the multiple dependency of claim 6, which left no claims in multiple dependent form.

Since this change was part of the original filing, the application, as submitted, contained no independent claims, and so the fee in question clearly was erroneous and should be refunded.

This request is made pursuant to 37 C.F.R. § 1.26, and is being submitted within two years of the payment of the fees for which a refund is now sought.

In accordance with 37 C.F.R. § 1.26(b), annexed as Exhibit A is a copy of the page of the deposit account statement reflecting the charge in question, which it is noted is associated with fee code 1616 ("Claims - multiple dependent"). Annexed as Exhibit B is the Claims section of the clean substitute specification filed with this national stage application. The Claims section of the marked-up copy of the substitute specification filed with this national stage application is included as Exhibit C. In reviewing the Image File Wrapper for this application the undersigned noted that the marked-up copy of the substitute specification inexplicably does not appear. Proof of filing of these papers in the form of a copy of the PTO mailroom date-stamped return postcard submitted with this national stage filing is annexed as Exhibit D.

The undersigned respectfully requests a refund in the amount of $360.00 for the multiple dependent claim fee erroneously charged on May 1, 2007. Please credit this $360.00 refund to Deposit Account no. 19-4709 and send confirmation of the same to the undersigned.

Respectfully submitted,

/David L. Schaeffer/

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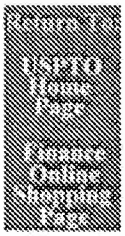
EXHIBIT A

United States Patent and Trademark Office



Deposit Account Statement

Requested Statement Month:	May 2007
Deposit Account Number:	194709
Name:	STROOCK & STROOCK & LAVAN
Attention:	LYNETTE BANGAREE
Street Address 1:	180 MAIDEN LANE
Street Address 2:	
City:	NEW YORK
State:	NY
Zip:	10038-4982
Country:	UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/01	633	77169267	357032/271	7001	$325.00	$10,277.83
05/01	2188	09173134	364106/176	1253	$1,020.00	$9,257.83
05/01	30	11697911	001227/0271	1202	-$1,100.00	$10,357.83
05/01	31	11697911	001227/0271	1202	$1,050.00	$9,307.83
05/01	44	PAYMENT		9203	-$20,000.00	$29,307.83
05/01	11	10583515	000877/0002	1616	$360.00	$28,947.83
05/01	4610	11366862	524941/0032	1202	$4,350.00	$24,597.83
05/01	4611	11366862	524941/0032	1201	$600.00	$23,997.83
05/01	4612	11366862	524941/0032	1203	$360.00	$23,637.83
05/02	62	10837082	001227/0960	8021	$40.00	$23,597.83
05/02	1059	10639515	8932-776-999	1501	$1,400.00	$22,197.83
05/02	1060	10639515	8932-776-999	1504	$300.00	$21,897.83
05/02	1061	10639515	8932-776-999	8001	$30.00	$21,867.83
05/02	1097	11344131	000790/0004	1814	$130.00	$21,737.83
05/02	1565	09786208	000790/0002	1814	$130.00	$21,607.83
05/02	1566	09786208	000790/0002	1806	$180.00	$21,427.83
05/02	1617	11344131	000790/0004	1806	$180.00	$21,247.83
05/02	3062	10542646	8932-1208-999	1615	$150.00	$21,097.83
05/02	79	PAYMENT		9203	-$25,000.00	$46,097.83
05/03	4	78893547	900001/452	7402	$300.00	$45,797.83
05/03	708	11675244	448563/0324	1051	$130.00	$45,667.83
05/03	738	11675277	448563/0325	1051	$130.00	$45,537.83
05/03	137	11675277	448563/0325	8021	$40.00	$45,497.83
05/03	142	11675244	448563/0324	8021	$40.00	$45,457.83
05/03	1142	11675398	448563/0323	1051	$130.00	$45,327.83
05/03	216	11675398	448563/0323	8021	$40.00	$45,287.83

EXHIBIT B

CLAIMS:

1. A method for determining central systolic pressure, comprising the steps of:

determining a time t from pressure wave foot to peak in a central carotid artery;

measuring a radial pressure waveform; and

locating the pressure wave foot in the radial pressure waveform and determining the corresponding pressure at time t after the wave foot;

wherein said corresponding pressure is substantially the central systolic pressure.

2. A method for determining central systolic pressure, comprising the steps of:

measuring a radial pressure waveform;

locating the time of start of a component of said waveform attributable to lower body wave reflection; and

determining the central systolic pressure by taking the value of the pressure waveform at said time.

3. The method according to claim 2, wherein said step of locating the time comprises the following steps:

determining the peak of said measured waveform;

determining if there is a minimum of a first derivative of said waveform before said peak;

if a minimum is determined then the time is located at the occurance of the determined peak;

if no minimum is determined then:

searching for a first zero crossing of a second derivative of said waveform from positive to negative after said peak and before incisura;

if a first zero crossing is found then the time is located at said first zero crossing;

if a first zero crossing is not found then:

searching for a zero crossing of a third derivative of said waveform from positive to negative before said peak;

if a zero crossing is found then the time is located at the occurance of the determined peak;

if a zero crossing is not found then:

searching for a first zero crossing of the third derivative from positive to negative after said peak and locating the time at said zero crossing.

4. The method according to claim 3, wherein said step of determining if there is a minimum of a first derivative of said waveform before said peak comprises determining if there is a zero crossing of a second derivative from negative to positive before said peak.

5. An apparatus programmed for determining central systolic pressure according to the method of claim 1.

6. An apparatus programmed for determining central systolic pressure according to the method of claim 2.

7. A software product for programming a device to determine central systolic pressure according to the method of claim 1.

8. A software product for programming a device to determine central systolic pressure according to the method of claim 2.

EXHIBIT C

CLAIMS:

1. A method for determining central systolic pressure, ~~including~~comprising the steps of:

determining a time t from pressure wave foot to peak in a central carotid artery;

measuring a radial pressure waveform; and

locating the pressure wave foot in the radial pressure waveform and determining the corresponding pressure at time t after the wave foot;

wherein said corresponding pressure is substantially the central systolic pressure.

2. A method for determining central systolic pressure, ~~including~~comprising the steps of:

measuring a radial pressure waveform;

locating the time of start of a component of said waveform attributable to lower body wave reflection; and

determining the central systolic pressure by taking the value of the pressure waveform at said time.

3. The method according to claim 2, wherein said step of locating the time ~~includes~~comprises the following steps:

determining the peak of said measured waveform;

determining if there is a minimum of a first derivative of said waveform before said peak;

if a minimum is determined then the time is located at the ~~occurance~~occurrence of the determined peak;

if no minimum is determined then:

searching for a first zero crossing of a second derivative of said waveform from positive to negative after said peak and before incisura;

if a first zero crossing is found then the time is located at said first zero crossing;

if a first zero crossing is not found then:

searching for a zero crossing of a third derivative of said waveform from positive to negative before said peak;

if a zero crossing is found then the time is located at the ~~occurance~~occurrence of the determined peak;

if a zero crossing is not found then:

searching for a first zero crossing of the third derivative from positive to negative after said peak and locating the time at said zero crossing.

4. The method according to claim 3, wherein said step of determining if there is a minimum of a first derivative of said waveform before said peak ~~includes~~comprises determining if there is a zero crossing of a second derivative from negative to positive before said peak.

5. An apparatus programmed for determining central systolic pressure according to the method of ~~any one of the preceding claims~~claim 1.

6. ~~A software product for programming a device to determine central systolic pressure according to the method of any one of claims 1 to 4~~An apparatus programmed for determining central systolic pressure according to the method of claim 2.

7. A software product for programming a device to determine central systolic pressure according to the method of claim 1.

8. A software product for programming a device to determine central systolic pressure according to the method of claim 2.

EXHIBIT D

JAN.	FEB.	MAR.	APR	MAY	JUN	JUL	AUG.	SEP.	OCT	NOV.	DEC.	6/16	06

MONTH DAY

FLAG FOR EXPECTED MONTH OF RESPONSE BY PAT. O

PATENT OFFICE PLEASE STAMP DATE & RETURN

date of receipt by pat. o.
'LE BY THIS DATE

IAP7 Rec'd PCT/PTO 16 JUN 2006

Docket
Int'l Appln. No.:PCT/AU2004/001782
Int'l Filing Date: 17 December 2004
10/583515
Applicant: Michael F. O'Rourke
For: METHOD AND APPARATUS FOR DETERMINATION OF CENTRAL AORTIC PRESSURE

Filed herewith pursuant to 37 CFR § 1.10 are:
Certificate of Mailing by "Express Mail" (1 pg); Transmittal Letter to the United States Designated/Elected Office ... (PTO-1390); Application Data Sheet (2 pgs) Substitute Specification (9 pgs); Marked-up copy of Specification (9 pgs); copy of PCT appln. no. WO 2005/058155.
Express Mail Label No. EV 767 825 975 US Filed: June 16, 2006
Due: June 17, 2006 (Saturday)

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